IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 18(S/S)2007

Lohare Ram S/o Ram Swaroop
Barber vide no. 9322622,
Central Industrial Security Force (CISF)
Unit BHEL, Ranipur,
R/o quarter no. A/189 C.I.S.F., Complex,
BHEL, Haridwar, (Uttarakhand). ---- Petitioner

Vs.

1. Union of India through its Secretary,
   Ministry of Home, New Delhi,
2. Deputy Inspector Genral,
   North Zone, Central Industrial Security Force,
   Saket, New Delhi 110017,
3. Commandant Central Industrial Security Force,
   Unit BHEL, Haridwar, (Uttarakhand),
4. Assistant Commandant/ Administration,
   Central Industrial Security Force,
   Unit BHEL, Haridwar, (Uttarakhand). --- Respondents.

Sri Sharad Sharma, learned counsel for the petitioner.
Sri Pradeep Joshi, learned Standing Counsel for Union of India/ respondents.

Hon'ble M.M. Ghildiyal, J,

Heard Sri Sharad Sharma, learned counsel for the petitioner and Sri Pradeep Joshi, learned Standing Counsel for Union of India/ respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issued a writ, order or direction in the nature of certiorari quashing the impugned order dated 18.10.2006 and impugned order dated 23.11.2006 (annexure no. 4 & 6) passed by respondent no. 3 & 4 respectively.

ii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to reinstate the petitioner in service.

iii. Issue a writ, order or direction in the nature of mandamus commanding the respondents not to dispossess the petitioner from residential accommodation vide its no. A/189 during mid academic session,

iv. Issue any other suitable writ, order or direction, as this Hon'ble Court may deem fit and proper in the circumstances of the case to meet the end of justice,

v. Award the cost of the petition to the petitioner.

Learned Standing Counsel Union of India has submitted that the petitioner, who was working as Barber in the Central Industrial Security Force, BHEL, Haridwar was compulsorily retired by the respondents. It was further contended that the petitioner has statutory alternative remedy under sub Rule-01 of Rule 54 of the Central Industrial Security Force to file revision against the impugned order before the I.G., North Zone, Central Industrial Security Force, Saket, New Delhi 110017/ respondent no. 2 Sub Rule-01 of Rule 54 of Central Industrial Security Force provides as under:-

"54. Revision-(1) *any authority superior to the authority making the order may either on his won motion or otherwise call of the records of any inquiry and revise any order made under these rules and may-*

(a) Confirm, modify or set-aside the order; of

(b) Confirm, reduce, enhance or set-aside the penalty imposed by the order; or impose any penalty where no penalty has been imposed; or

(c) Remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or

(d) Pass such order as it may deem fit, within six months of the date of communication of the order propose to be revised:

Provided that no order imposing or enhancing any penalty shall be made by any revisioning authority unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to imposed any of the penalties specified in clauses (i) to (v) of rule 34 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if any, inquiry under rule 36 of Central Industrial Security Force Rules 1969 has not already been held in the case no such penalty shall be imposed except after an enquiry in the manner laid down in the aforesaid rules."

Learned counsel for the petitioner now cannot decline that the petitioner has efficacious alternative remedy to assail the impugned order by filing revision before the Competent Authority.

In these circumstances, learned counsel for the petitioner submits that, in case the petitioner avails the remedy by filing revision against the impugned order, in that case the Competent Authority may be directed to take decision on the same with a reasonable period as prescribed by this Court.

Thus, in case the petitioner approaches to the Competent Authority seeking remedy available to him, it is expected from the Revisional Authority to take decision as expeditiously as possible on the revision of the petitioner.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghilidyal, J.)

April 25,2007:
NCM: